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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,389	04/09/2001	Andreas Hartinger	2000 P 08547 US	1707
7470	7590	01/27/2006	EXAMINER	
WHITE & CASE LLP PATENT DEPARTMENT 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/829,389	HARTINGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This Office Action is responding to the RCE filed on 11/14/05.
2. Claims 10-29 are pending.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-16, 19, 21-22, and 25-29 are rejected under 35 U.S.C. 102(B) as being anticipated by Akiyama et al, US Patent No. 5805699B1, hereinafter "Akiyama".

5. As per claims 10 and 26-28:

Akiyama discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of: accessing a unique hardware identification code from a computer-readable data medium associated with the computer system, the code accessed from a portion of the data medium that is readable but not writeable" in (Col 5 lines 30-35, and Col 6 lines 1-15 and Figure 3B);

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“accessing license information for the software component” in (Col 5 lines 55-65);  
“generating an identification number from the hardware identification code and the license information by means of an encoding algorithm” in (Col 6 lines 1-15); and  
“transmitting the identification number to the computer system on which the software component runs” in (Col 6 lines 15-20);  
“whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable” in (Col 6 lines 20-35).

6. As per claim 11:

Akiyama discloses “The method according to claim 10, wherein additional information is used by the encoding algorithm to generate the identification number” in (Col 6 lines 48-59).

7. As per claim 12:

Akiyama discloses “The method according to claim 10, wherein a plurality of identification numbers can be generated for one hardware identification code” in (Col 6 lines 48-59).

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8. As per claim 13:

Akiyama discloses "The method according to claim 10, wherein at least one identification number is stored in a readable and writeable area of the data medium" in (Col 6 lines 15-20)

9. As per claim 14:

Akiyama discloses "The method according to claim 10, wherein additional information may be stored on the data medium" in (Col 6 lines 15-20).

10. As per claim 15:

Akiyama discloses "The method according to claim 14, wherein the additional data stored on the data medium comprises at least one element selected from the group consisting of license information, licensor identification, and software programs" in (Col 6 lines 15-20).

11. As per claim 16:

Akiyama discloses "The method according to claim 10, wherein the data medium comprises a component of the computer system" in (Col 6 lines 15-20).

12. As per claim 19:

Akiyama discloses "The method according to claim 10, wherein the data medium comprises a key which contains information" in (Col 5 lines 55-65).

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13. As per claim 21:

Akiyama discloses "The method according to claim 10, wherein the computer system comprises a control unit" in (Col 2 lines 7-20).

14. As per claim 22:

Akiyama discloses "The method according to claim 10, wherein the identification number is checked by means of a decoding algorithm" in (Col 6 lines 48-58).

15. As per claim 25:

Akiyama discloses "A method for controlling authorization to use a software component of a computer system, the method comprising the steps of:

accessing a unique hardware identification code from a computer-readable data medium associated with the computer system, the code accessed from a portion of the data medium that is readable but not writeable" in (Col 5 lines 30-35, and Col 6 lines 1-15 and Figure 3B);

"accessing license information for the software component" in (Col 5 lines 55-65);

"generating an identification number from the hardware identification code and the license information by means of an encoding algorithm" in (Col 6 lines 1-15);

transmitting the identification number to the computer system on which the software component runs" in (Col 6 lines 15-20);

"checking the identification number by means of a decoding algorithm; and

fl. if the decoded identification number matches the encoded information, permitting a user to utilize the software component; or

f2. if the decoded identification number does not match the encoded information, restricting the user from access to the software component;

whereby authorization to use the software component is allowed for the computer system associated with the computer-readable data medium and not allowed for a second computer system not associated with the computer-readable data medium having the unique hardware identification code accessed from a portion of the data medium that is readable but not writeable" in (Col 6 lines 20-35).

16. As per claim 29:

Akiyama discloses "An identifier for use in determining authorization to use a software component of a computer system, the identifier generated according to the method of claim 28" in (Col 6 lines 1-15).

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. Claims 17-18, 20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Watanabe, US/20020129265.

19. As per claim 17:

Akiyama is silent on "wherein the data medium comprises a memory card".

Nevertheless, Watanabe discloses the "Method and Apparatus for Managing Software Use" invention, which includes a usage of a dongle to store license information in Para 0005-7). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Akiyama's invention to include the usage of the Dongle for portability.

20. As per claim 18:

Akiyama and Watanabe disclose "The method according to claim 17, wherein the memory card comprises a multimedia card" in (Watanabe, Para 0005-7)

21. As per claim 20:

Akiyama discloses "The method according to claim 19, wherein the key comprises a dongle" in (Watanabe, Para 0005-7).



22. As per claim 23:

Akiyama is silent on "The method according to claim 10, wherein checking for unauthorized use of the software component is performed during startup of the software component". Nevertheless, Watanabe discloses the "Method and Apparatus for Managing Software Use" invention, which includes a method of checking the license information in the dongle prior executing the software in (Para 0024). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Akiyama's invention to include the method of authorizing the execution of the software in Watanabe's invention to fully the protection of the software usage.

23. As per claim 24:

Akiyama is silent on "The method of checking for unauthorized use of the software component is performed periodically during use of the software component. Nevertheless, Watanabe discloses the "Method and Apparatus for Managing Software Use" invention, which includes a method of checking the license information in the dongle prior executing the software in (Para 0024). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify Akiyama's invention to incorporate Watanabe's teaching of authorizing the execution of the software and also modify to check the authorization periodically during the execution of the software to prevent the software from executing without licensed.

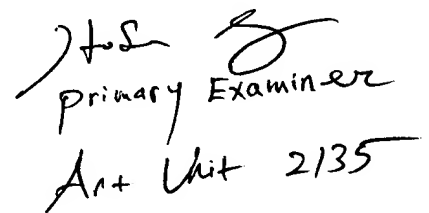
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24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135

  
Primary Examiner  
Art Unit 2135